CITY COUNCIL MEETING MINUTES
CITY OF SANTA MARIA, CALIFORNIA
DECEMBER 4, 2018 - CITY HALL COUNCIL CHAMBERS

CALL TO ORDER
Mayor Patino called the meeting to order at 5:00 p.m.

ROLL CALL:
MEMBERS PRESENT:
Mayor Alice Patino, Councilmember Jack Boysen, Councilmember Mike Cordero, Councilmember Michael Moats, and Councilmember Etta Waterfield

STAFF MEMBERS PRESENT:
City Manager Stilwell, City Attorney Trujillo, Director of Human Resources & Records Anderson, and Chief Deputy City Clerk Garietz (for roll call only).

PUBLIC COMMENT PERIOD
There were no requests to speak.

RECESS
Mayor Patino recessed to a Closed Session at 5:03 p.m. for:

1. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:** Significant exposure to litigation pursuant to Subdivision (d)(2) of Government Code Section 54956.9: (One potential case)

2. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** pursuant to Subdivision (d)(1) of Section 54956.9 of the Government Code. Bob Sell & Joel Hutchison v. City of Santa Maria, Case No. 17CV01503, Superior Court of California, County of Santa Barbara.

3. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** pursuant to Subdivision (d)(1) of Section 54956.9 of the Government Code. Benjamin Sandoval v. City of Santa Maria, Case No. 15CV01960, Superior Court of California, County of Santa Barbara.

4. **CONFERENCE WITH LABOR NEGOTIATORS** pursuant to Section 54957.6 of the Government Code:

   Agency Representatives: City Manager Jason Stilwell, Director of Human Resources & Records Jayne Anderson, and Consulting Negotiator Che Johnson.

   Employee Organizations: Service Employees International Union (SEIU) Local 620, Santa Maria Police Association of Middle Management (SMPAMM), Santa Maria City Fire Fighters' Union Local 2020 (Local), Non-Represented Management and Confidential Employees, and Public Safety Managers.

5. **PUBLIC EMPLOYEE APPOINTMENT** pursuant to Subdivision (b)(1) of Government Code Section 54957. Title: City Attorney.

INVOCATION
Patricia Torres of the Salvation Army gave the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG
Councilmember Boysen led the Pledge of Allegiance.

CALL TO ORDER
Mayor Patino reconvened the meeting and called the meeting to order at 5:30 p.m.
ROLL CALL:
MEMBERS PRESENT:
Mayor Alice Patino, Councilmember Jack Boysen, Councilmember Mike Cordero, Councilmember Michael Moats, and Councilmember Etta Waterfield

STAFF MEMBERS PRESENT:
City Manager Jason Stilwell, City Attorney Gilbert Trujillo, Director of Human Resources and Records Jayne Anderson, Fire Chief Leonard Champion, Chief of Police Phillip Hansen, Director of Finance Mary Harvey, City Librarian Mary Housel, Director of Public Works/City Engineer Steve Kahn, Director of Community Development Chuen Ng, Director of Recreation and Parks Alex Posada, Assistant City Attorney Philip Sinco, Director of Utilities Shad Springer, Assistant City Manager Patrick Wiemiller, and Chief Deputy City Clerk Rhonda Garietz, and Consultant Rick Sweet.

CLOSED SESSION REPORT: CITY ATTORNEY
City Attorney Trujillo announced that Closed Session Items 1, 4, and 5 were continued for discussion at the end of the meeting. He also announced that there was no reportable action associated with Closed Session Items 2 and 3.

1 PROCLAMATIONS/PRESENTATIONS

A. **RETIREMENT RESOLUTION FOR DIRECTOR OF PUBLIC WORKS/CITY ENGINEER:**

STEVEN B. KAHN, P.E., L.S.

Action: Adopted as Resolution No. 2018-134.
Moved by Councilmember Boysen, seconded by Councilmember Waterfield. Motion carried. 5-0.

2 PUBLIC COMMENT PERIOD
Susan Parmelee spoke in favor of an enforceable rent stabilization ordinance for the City of Santa Maria.

Ignacio Sanchez spoke about his views on people who smoke.

Laurie Tamura spoke about Item 3O on the Consent Calendar (Land Values for Open Space, Public Facilities, Average Household Size, and Subdivision In-Lieu Fee). She asked the City Council to continue the item to give the development community a chance to review the Subdivision In-Lieu fee, and appraisal with the other developer fees currently being reviewed.

3 CONSENT CALENDAR
Chief Deputy City Clerk Garietz announced a clerical correction to Item 3B (Minutes of the November 20, 2018, City Council meeting) saying that Item 3D (the Herrera Parcel Map) was the adoption of a Tentative Parcel Map, and not a Final Parcel Map. She requested that the amendment be included with the Council's motion to adopt the Consent Calendar.

Councilmember Waterfield requested clarification on Item 3M (No-stopping zone on Cypress Way) asking why the no-stopping zone distance was not the same on both sides of the drawn plans.

Director of Public Works Kahn responded that the distances were based on a sight-distance analysis which determined the need for two different distances were needed, particularly since in one direction a driver had traffic coming toward them and the other driver would not have traffic coming toward them.

Councilmember Boysen asked that Item 3O be pulled for separate consideration based on Ms. Tamura's comments during the Public Comment Period.

Land Valuation and Subdivision In-lieu Fees, Item 3O
Director of Recreation & Parks Posada gave a presentation as detailed in the agenda report. Under the AB1600 program, there had been requests for waivers on the Hancock Terrace project. At that time, staff discovered the AB1600 program did not have a way to give credit and, during that time, all park fees (AB1600, Residential Development Tax, Subdivision In-lieu Fee) were collected together. The City Council had taken action to separate the fees thus giving the development community the opportunity to apply for credit with the Subdivision In-Lieu portion. Three factors were taken into consideration when setting subdivision in-lieu fees: 1) the appraised value of an acre of land in the City; 2) the average household size; and 3) number of dwelling units for each development project. The biggest component was the appraisal which was done by an independent firm hired by the City. An acre of land in the City of Santa Maria was currently valued at $393,000. In 2010, the value of an acre was $275,000, and the subdivision in-lieu fee was $1,421. In 2014, the value of an acre was $360,000 and, had there been a subdivision in-lieu fee, it would have been $1,785. In 2017, the appraised value was $321,000 with a subdivision in-lieu fee of $1,990.

Appraiser Ed Hawks explained how the land value was calculated based on land density and parcel size. When there was a scarcity of historical data, the appraiser fills in information with trend analysis looking at recent sales and properties.

Councilmember Waterfield asked what effect continuing the item would have.

Director of Recreation & Parks Posada responded that continuing the item would allow staff to go back to the appraiser to research more data. Staff would also be holding more meetings regarding AB1600 in the next few months and a "ripple" effect would be that, once the AB1600 numbers and project costs were established, the City's share of costs could, potentially, be lowered.

Consent Calendar Items 3A-3N (excluding Item 3O) were approved by one motion, as amended to correct the minutes for November 20th, and included the adoption of Resolution Nos. 2018-135, 2018-136, 2018-137, 2018-138, 2018-139, 2018-140, and 2018-141.

Action: ***Moved by Councilmember Boysen, seconded by Councilmember Moats***
Motion carried adopting the Consent Calendar as amended. Item 3O was continued to a future meeting. 5-0

A. Waive the reading in full of all Ordinances and Resolutions. Ordinances on the Consent Agenda will be adopted by the same vote cast at the first meeting, unless City Council indicates otherwise.

Action: Waived full readings.
Moved by Councilmember Boysen, seconded by Councilmember Moats.
Readings were waived. 5-0.

B. Approve the Minutes of the regular City Council Meeting of November 20, 2018.

Action: Minutes approved as amended. Page 3, Item 3D, of the minutes was amended to correct a clerical error by changing the word from "Final" to "Tentative" Map.
Moved by Councilmember Boysen, seconded by Councilmember Moats.
Minutes were approved as amended. 5-0.

C. Adopt a Resolution approving a side letter amending the current wage and benefit package for the Non-represented Full-time Management & Confidential Employees as it pertains to the PEG Station Manager position.

Action: Adopted as Resolution No. 2018-135.
Moved by Councilmember Boysen, seconded by Councilmember Moats.
Motion carried. 5-0.

D. Conduct the second reading and adopt Ordinance No.2018-11 amending the Official Zoning Map on approximately 1.3 acres located at 1141 West Cox Lane from R-1 (Single-family residential) to PD/R-3 (Planned Development/High-Density Residential).

Action: Adopted as Ordinance No. 2018-11.
Moved by Councilmember Boysen, seconded by Councilmember Moats.
Motion carried. 5-0.

E. Conduct the second reading and adopt Ordinance No.2018-12 amending the official Zoning Map for Carpenters Union Training Facility project (GPZ2018-0002) located at 2210 Preisker Lane from PD/FS (Planned Development/Freeway Service to PD/C-2 (Planned Development/General Commercial).

Action: Adopted as Ordinance No. 2018-12.
Moved by Councilmember Boysen, seconded by Councilmember Moats.
Motion carried. 5-0.

F. Adopt a Resolution approving the Mitigated Negative Declaration for the Refined Blosser Bio-Retention project.

Action: Adopted as Resolution No. 2018-136.
Moved by Councilmember Boysen, seconded by Councilmember Moats.
Motion carried. 5-0.

G. Adopt a Resolution approving the Mitigated Negative Declaration for the Santa Maria Main Street Subwatershed Improvement project.

Action: Adopted as Resolution No. 2018-137.
Moved by Councilmember Boysen, seconded by Councilmember Moats.
Motion carried. 5-0.

H. Payment of Warrants. Ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Finance.

Action: Warrants ratified.
Moved by Councilmember Boysen, seconded by Councilmember Moats.
Motion carried. 5-0.

I. Payment of Payroll. Ordered ratified subject to having been certified by the proper Department Directors, as shown on records on file in the Department of Finance, and having been approved for payment by the Director of Finance.

Action: Payroll ratified.
Moved by Councilmember Boysen, seconded by Councilmember Moats.
Motion carried. 5-0.

J. Receive, review, and file the Growth Mitigation Annual Compliance report.

Action: Received, reviewed, and ordered filed.
Moved by Councilmember Boysen, seconded by Councilmember Moats.
Motion carried. 5-0.

K. Adopt a Resolution authorizing the Director of Finance to move existing fleet replacement funds from FY 2019-20 to FY 2018-19; appropriate Capital Funds for use in FY 2018-19; and appropriate Measure U2018 funds for use in FY 2019-20 to supplement existing fleet replacement funds, and to repay the Capital Fund for expense of new emergency dispatch station alerting system in all fire stations.

Action: Adopted as Resolution No. 2018-138.
Moved by Councilmember Boysen, seconded by Councilmember Moats.
Motion carried. 5-0.

L. Adopt a Resolution awarding Bid No. 2018/10, the Santa Maria Regional 2018 Landfill Gas Expansion Project, to BSE General Engineering Inc. in the amount of $146,551.84.

Action: Adopted as Resolution No. 2018-139.

M. Adopt a Resolution revising existing no-stopping zones on Cypress Way.

Action: Adopted as Resolution No. 2018-140.

N. Adopt a Resolution approving a no-stopping zone on Leigh Street.

Action: Adopted as Resolution No. 2018-141.
Moved by Councilmember Boysen, seconded by Councilmember Moats.
Motion carried. 5-0.

O. Adopt a Resolution setting the FY 2018-19 values for land zoned as Open Space or Public Facilities, Average Household Size, and Subdivision In-Lieu Fee.

Action: This item was continued to a future meeting.

Councilmember Boysen requested this item be continued to a future meeting. There was a consensus of the City Council to continue the item.

4 PRESENTATION

A. The City Council received a community presentation by Fighting Back Santa Maria Valley regarding the dangers of e-cigarettes and vaping.

Edith Perez, Fighting Back Santa Maria Valley's Tobacco Preventionist, gave the presentation. Vaping was the use of electronic cigarettes (battery powered devices that deliver flavored nicotine or marijuana to the user in the form of an aerosol). Vaping is a misconception as the e-cigarette is not delivering a water vapor, but rather ingredients such as glycerol, heavy metals, flavor, nicotine, and benzoic acid. All e-cigarettes contain harmful chemicals, and most users do not know that there is always nicotine in an e-cigarette.

A California Healthy Kids survey was being conducted this year, and the number of high school students having used e-cigarettes was expected to be quite high. Some schools report confiscating 8-12 e-cigarettes per week, and enforcing up to 20 suspensions per month. Ms. Perez showed examples of smoking devices currently used by students who vape. "Juuls" was a type of smoking device that looks like USB thumb drive. They allow for faster absorption of nicotine into the body and can be charged by students on their laptops. Teachers often do not know they are using them. About 20 million juuls are sold per month. Similar to alcohol, only people 21 years of age and older are allowed to purchase e-cigarette items. However, buyers are frequently not asked for proof of age.

The health effects of smoking e-cigarettes are similar to smoking cigarettes. Increased heart rate, increased blood pressure, and irritation or cough are common effects. Other risks include possible explosion of the smoking device and poisoning. Santa Barbara recently passed a second-hand smoke-free policy. Solvang was in the process of passing the same law. Ms. Perez invited everyone to the North County Coalition Engaged in a Smoke-free Effort (CEASE) meeting and strategic planning session being held January 23, 2019, at the Foursquare Church Cafe in Santa Maria beginning at 9:30 a.m.

Edwin Weaver, Executive Director of Fighting Back Santa Maria Valley, closed the presentation encouraging the City Council to ban all e-cigarette and smoking device sales. He also mentioned that CBD oil (marijuana product) was being sold at shops in Santa Maria, despite the fact that it was not legal to sell within City limits.

5 REGULAR BUSINESS

A. **CAR DEALERSHIP TRAFFIC MITIGATION FEES.** The City Council considered an agreement with the Santa Maria Auto Center that authorizes a rebate of portions of its traffic fees upon the completion of designated milestones. (Public Works Director/City Engineer)

Consultant, Rick Sweet, gave a presentation as detailed in the Council Agenda Report. In May 2018, the auto dealers planning to establish themselves in the new Enos Ranchos development appealed their traffic fees.

Staff had developed an agreement where traffic mitigation fees would be paid at occupancy with rebates being granted as dealerships reach milestones. A $100,000 rebate per parcel would be offered to auto dealers already established in the City and relocating to Enos Ranchos. A $200,000 rebate per parcel would be offered to new auto dealers coming into the City. Already established auto dealers would receive a rebate for all sales tax revenue in excess of 1.15 times the last 10-year average tax generated. For new auto dealers, a rebate would be granted for annual sales tax revenue in excess of .85 times the initial annual sales tax. If 80 percent of the land on Betteravia Road made vacant by the relocation of the auto dealers to the Enos Ranch Development remains as new auto dealerships, the City will provide the following: at 5 years, the City would grant a $100,000 rebate; and at 10 years, a $200,000 rebate.

Staff has not determined how to offset the traffic mitigation fees (about $3.8 million) the City would not be collecting with this arrangement.

Councilmember Moats asked if it was possible that an auto dealership would receive all of their fees back over the years, how staff had arrived at the 1.15 number, and if any other businesses at Enos Ranchos were receiving rebates.
Mr. Sweet responded that it was a possibility that an auto dealership's rebate might equal the amount they had paid, the 1.15 was a number that came out of negotiations with the value of inflation taken into account, and no other businesses at Enos Ranchos were receiving rebates.

Councilmember Waterfield noted that no new auto dealerships were slated to move into Enos Ranchos and asked about the AB1600 fees.

Mr. Sweet responded that all dealerships would pay their traffic fees up front, and then receive rebates if they brought in new dealerships. Auto dealerships have paid about 1/3 of the cost of the infrastructure associated with Enos Ranchos (Bradley Road extension and signals, and widening of College). The agreement was set-up so that the City would see increased sales tax fees exceeding the amount returned to auto dealers in rebates.

Director of Public Works Kahn added that the City collected a portion of traffic impact fees from the development community to mitigate the entire regional impacts of a new development.

Councilmembers Boysen and Waterfield expressed concern that the voters had just approved a one-percent sales tax increase, and that people might view the rebate program as unfair.

Councilmember Cordero also expressed concern about taking in traffic mitigation fees, and then rebating them back.

Public input
Laurie Tamura, of Urban Planning Concepts, spoke in support of the agreement and referred to it as a partnership. She explained that planning permits were in progress for Toyota, Honda, and Home Motors to begin their migration to Enos Ranchos and be operational within the next year. All dealerships would still be paying all of the other AB1600 fees.

Councilmember Boysen asked what arrangement had been made back when the auto dealers first located to their current locations, and commented that he did not want to "tie the hands" of future City Councils. He added that, no one really knows the future of the auto industry, so it would be hard to make a decision on such a long-term item (about 20 years). He suggested shortening the time frame of the agreement.

Mr. Sweet responded that no traffic mitigation fees were charged at the time the auto dealers were first established.

Mike Bouquet, representing Toyota and Home Motors, spoke about the significant increase in sales tax that would come from Measure U, and explained that a car dealership model was different from other businesses in that it needed a larger area to hold inventory. One sacrifice local dealerships had made recently was to be auto-specific only with regard to the zoning (in lieu of C-2 commercial property), a condition that only the dealerships had agreed on, but no other businesses had.

Action: Adopted as Resolution No. 2018-142.
Moved by Councilmember Moats, seconded by Councilmember Cordero.
Motion carried. 4-1. Noes; Councilmember Waterfield.

REPORT BY CITY MANAGER
City Manager Stilwell reported that the next regular City Council meeting would be December 18, 2018. Items on the agenda would include a CalPERS Contract amendment, a retirement resolution for City Attorney Gil Trujillo, a final map and subdivision agreement for the Betteravia Plaza project, the Declaration of the Election Results and reorganization of the City Council, and designation of Mayor Pro Tem. The January 1st meeting would be cancelled.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS (INCLUDING AB1234 REPORTS)
Councilmember Boysen had no reportable AB1234 meetings.

Councilmember Waterfield had no reportable AB1234 meetings.

Councilmember Moats reported that he attended the recent Parade of Lights.
Councilmember Cordero reported that he attended the Parade of Lights.

Mayor Patino reported that she attended the Marian Foundation Board of Directors meeting; the Parade of Lights; and the Mayor's Task Force Advisory meeting.

RECESS
Mayor Patino recessed the meeting to continue Closed Session Items 1, 4, and 5.

CLOSED SESSION REPORT: CITY ATTORNEY
City Attorney Trujillo reported that Closed Session Items No. 2 and 3 were reported out prior the regular meeting commencing. Items 1 and 4 had no reportable action. For Item 5, Public Employee Appointment - Assistant City Attorney Phil Sinco was appointed interim City Attorney effective December 29, 2018.

ADJOURNMENT
There being no further business before the City Council, Mayor Patino declared the City Council meeting adjourned at 8:05 p.m.

Approved at a regular meeting on December 18, 2018.

Rhonda M. Garietz, CMC
Chief Deputy City Clerk and ex-officio Clerk
of the City Council

ATTEST:

Rhonda M. Garietz, CMC
Chief Deputy City Clerk

Alice M. Patino
Mayor of the City of Santa Maria